BOTH SIDES LOSE; BOTH SIDES WIN

Crouse Suit Ends in Stand Off Under Instructions by

JUST WHERE IT STARTED

But City Is Not Required to Pay 10 Per Cent. Claim or for Base of Old Flume,

Under the instructions of Judge Waddill, the suit of the city of Richmond against the Crouse Construction Company, of Perth Amboy, N. J., with certain counter litigations, came to a sudden end yesterday in the United States Circuit Court, the practical result to each side being a stand off. The city retains the 10 per cent, of the contract price reserved, and has the use of the excavations and base built by the Crouse Company for the first flume. The bondsmen of the Crouse Company will not have to refund to the city any part of the money paid out for the first ill-fated tube. Apparently, both parties to the litigation are satisfied with the ruling of Judge Waddill, as neither has entered any exception.

As the situation stands, the city of Richmond has on hand about \$6,000 in cash reserved on the payments for the flume. It also has the excavation and base on which the new flume were built, variously estimated to be worth from \$25,000 to \$35,000 it has paid to the Crouse Company, \$54,000 for reconstruction Company, \$54,000 for reconstruction Gempany, \$54,000 for reconstructing a new conduit on its base, making the present serviceable and well-constructed tube stand the city a total cost to date of \$107,000. The work has been estimated by Barry & Co., Winston & Co. and other contractors to have a present value of from \$5,000 to \$90,000. It appears therefore that the city has actually lost from \$17,000 to \$22,000.

Contractors Lost Money.

On the other hand, there was cylicious expert to show that the city as contractors to the contractors to the contractors to the contractors to show the first the city has actually lost from \$17,000 to \$20,000.

Note to have a present value of from 18,600 to 18,900. It appears therefore that the city has actually lost from 31,700 to 22,200. Lost Money.

On the other hand, there was evidence in court to show that the Crouse Company paid out 381,000 in the construction of the flume which failed to deliver a wateriaction of the superintendent of the department. The weak point of the Crouse Company's claim against the city was that during the construction of the department. The weak point of the Criv's was that during the construction the city's reparations the construction of the department. The weak point of the Criv's was that during the construction the city's reparations the construction of the department. The weak point of the Criv's was that during the construction the city's reparations the construction of the department. The weak point of the Criv's was that during the construction the city's reparations the construction of the superintendent of the department. The weak point of the Criv's was that during the construction of the superintendent of the department. The weak point of the Criv's was that during the construction of the superintendent of the department. The weak point of the Criv's was that during the construction in city's reparation of the superintendent of the superintendent of the superintendent of the flume without protes as the bills were presented, and wit us any ciaim for defective work and it the superintendent of the flume without protes as the bills were presented, and with us any ciaim for defective work and it the superintendent of the flume without protes as the bills were presented, and with the way of the were defendent in the superintendent of the flume without protes as the bills were presented, and with us any ciaim for defective work and it the warm of the superintendent of the flume without protes as the bills were presented, and as a title law and facts and circumstances should be astirated.

The Court's Instructions to the jury was also the present of the course of the course of th

ties which would attend the doing of this work were enormaps, and that they were not known, and could not by reasonable diligence, have been known beforehand by either of the



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RAILROAD BILL IS BEFORE SENATORS

Entire Time Given Over to Discussion of Traffic Agreements,

DIVERSITY OF OPINION

Cummins Occupies Day Fighting Against Mutual Rate

Arrangements.

Washington, D. C., April 21.—Traffic agreements consumed the entire time given by the Senate to-day to the railroad bill, and were under consideration when the Senate adjourned. Senation when the Senate adjourned. ator Cummins held the floor through-out the sitting. He spoke against the section permitting such agreements and against the Crawford substitute

section permitting such agreements and against the Crawford substitute for it.

Declaring his intention to denounce any legislation which nullified the antitutust law as this provision did he said that the ultimate purpose of the legislation was to allow the railroads to fix their own rates without first submitting them to the Interstate Commerce Commission. Without the establishments of rates any traffic agreement must be vague and shadowy and of little effect. It was hard enough for the common people to stand against the aggressions of one railroad; to stand against those of ten or twenty or thirty would be more difficult still, he said. If the rates were not to be approved in advance by the commission then there would be no substitute for the antitrust act, and that, he said, was the difference between the Crawford amendment and his own. It was not true, as had been stated, that President Roosevelt had advised the unconditional repeal of the antitrust law, nor that the interstate Commerce Commission had done so.

Question at Issue.

"The question at Issue," he said, "is,

inw, nor that the interstate Commerce Commission had done so.

Question at Issue.

"The question at Issue." he said, "is, Shall the agreed rates of the railroad companies go into effect without the approval of the commission?"

Mr. Crawford, interrupting, said that for the commission to pass in advance upon agreements would be a physical impossibility, because of the great number of such agreements.

Mr. Aldrich also interrupted. He asserted that under the terms of the amendment, the rates that might be specified in an agreement went into effect as did individual rates, and did not go into effect by reason of the compact.

Mr. Crawford said this was not his understanding, but that his opinion was that the provision would require approval of the agreement before the rates took effect.

Mr. Aldrich said that by none of the propositions of the bill could a rate be fixed by an agreement because all of the rates must be subject to the control which the commission has over other rates. "You propose by Indirection to give the commission the right to indefinitely suspend rates—to suspend them forever if so desired."

Replying, Mr. Cummina said that his complaint was against the pefulssion to the railroads to enter into agreements that may become effective without the previous approval of the commission.

In such agreements, he argued, there

HOY KILLS HIS SISTER.

by reasonable diligence, have been known beforehand by either of the parties to this controversy.

"Now that those difficulties have been demonstrated by actual experience, it appears that a mutual mistake was made by these parties. They undertook to accomplish this great work for a very less cost than was possible, aspecially under the abnormal conditions of high water in the river, and bad weather which prevailed to an unusual extent during the period that the work was being executed.

Each Side Lost Money.

"The result of this honest and unavoidable mistake made by hoth sides, the abnormal flood conditions, etc., and the honest effort made by both parties to live up to their respective agreements, is that each party hereto has lost some mony. The Crouse Construction Company has, it seems to me, lost more than the city of Richmond. I think the ends of justice will be obtained if the parties hereto are

Washington. D. C., April 21.—Factional strife broke out at to-day's session of the Daughters of the American Revolution. When amendments to the society's constitution relating to the discipline of officers and members and the question of "States' rights" of the State auxiliaries were presented to the Congress, the delegates, aligned in their respective "party" camps, found themselves enmeshed in a parliamentary changle-Reports Received and Referred—Meets in Fall at Moorefield.

[Special to The Times Dispatch.] Winchester, Va., April 21.—At the second day's session of the Winchester Presbyterian Church here, it was decided to hold the regular fall session at Moorefield, W. Va. Many reports were received and referred to committees, while others were discussed at length umen ed and adopted.

Rev. J. F. Lehr was elected superintendent of home missions, and an offering was received by Rev. R. E. Fitzputrick, of the Union Theological Sendmary, Richmond. Revs. Lacy, Brooke, Edge, Triplett, Siler and Smith were elected pastor evangelists for the ensulus year.

sted paster evangelists for

Virginians at the Hotels

Murphy's—Frank Welch, Roanoke;
Murphy's—Frank Welch, Roanoke;
M. M. Snead, Danville; Reginald Bruce,
Bowling Green, A. V. Wade, Farmville;
Mr. and Mrs. A. V. Wade, Farmville;
Mr. and Mrs. S. J. Hopkins,
Nariolk; F. C. Fenn, South Boston, Dr.
A. S. Friddy Lynchburg, George A.
Stover, South Boston; John L. Reason,
Roanoke J. W. Lankford, M. D. New,
Roanoke J. W. Lankford, M. D. New,
Church, R. W. Watkins, Houston, Mr.
and Mrs. T. W. Childress, Houston, Dr.
J. W. Stephenson, Toano, A. T. Cofer,
Smithfield, Mr. and Mrs. V. H. Blick,
Edgeston; Paul W. Garrett, Leeshurg;
Dr. and Mrs. R. T. McNair and maid,
Emporia, T. D. Berry, Bedford; WilHam Baker, Arvonia, Richard Brown,
Arvonia; J. G. Ferneyhough, Burkeville; George J. Anderson, Ashland; C.
A. Enes, Blackstone, L. Carrier, Blacksburg; C. L. Smith, Danville,
Richmond—J. C. Pedgett, Independence, St. George R. Fitzhugh, Frederteksburg, C. B. Peraw Lynchburg; M.
F. Poyntz, Roanoke
Lexington—Mr. and Mrs. V. W. Porburg: C. L. Smith, Danville,
Richmond—J. C. Padgett, Independcnec, St. George R. Filiphugh, Frederteksburg: C. B. Per'sw. Lynchburg: M.
F. Poyntz, Roanoke,
Lexington—Mr. and Mrs. V. W. Porter, Marion; A. W. Wilson, Ballsville;
J. W. Elliott, South Boston; A. G. Slake,
Emporia; Mr. and Mrs. C. F. Omohundro, Keswick.

Can Walk Now

"Wonderful Cure"

In Mrs. Lydia Powell's own words, Cardui performed on her a "wonderful cure." "I was so poorly," she writes, "with a pain in my left side, and other troubles, that I was almost dead.

"My husband had our family doctor with me, for four months, but I did not get any better.

Before I began to take Cardui, I could hardly walk across the floor and was but a skeleton, but now, after taking five bottles, I can walk four miles and do my work with a good deal more ease.

"I know, that if I had not found Cardui, I would have been dead or perfectly crazy. It has saved me hundreds of dollars, and more than that, my life and my mind.

Everybody, almost, has heard about Cardui, the woman's tonic, but everybody has not tried it. Have you? If not, better begin now, even if not seriously sick, because it has eased the symptoms of many cases that probably would have become serious, if a tonic had not been taken in time. If you are seriously sick, all the more reason for trying Cardui at once. It has cured

other serious cases. Why not

yours? Ask your druggist.

14.13的14年,15.13的16.13的16.13的16.13的16.13的16.13的16.13的16.13的16.13的16.13的16.13的16.13的16.13的16.13的16.13的16.13的16.1

CARDUI Woman's Tonic

FIVE LEADERS ATTENDING THE D. A. R. CONGRESS

Storm Breaks Loose When

Amendments Are Presented

to Congress.

PARLIAMENTARY TANGLE

'States' Rights" Figure Largely in Differences Among Delegates.

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Mrs. Bertha Lincoln Heastis, of Dubuque, Iowa, is one of the most important of the figures in the factional fight now on in the Continental Congress.

Mrs. Minerva R. Ames comes from Streator, Ill., and is a stausch adherent of the administration forces.

Mrs. Eghert Jones is the vice-president-general of the Mississippl Chapter and an important figure in all D. A. R. discussions.

Mrs. Daniel Lathrop is not only one of the principal women in the national councils of the Daughters, but is the founder of the National Society of Children of the American Revolution.

Mrs. Amos G. Draper, of Washington, has been a national officer of the Daughters for many years, and is one of Mrs. Scott's most vigorous and resourceful defenders.

from Georgia a bust statue of Mrs. Mary Hamilton Washington, the first Real Daughter to join the national so-ciety The congress accepted the bust. The palloting, which was begun yes-terday, for the nine vice-presidents, resulted in the election of three of resulted in the categories when from the South, as follows: Mrs. Egbert Jones, Mississippi; Mrs. Virginia Randolph Shackleford, Virginia; Mrs. Edward Randall, Texas.

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ment Mrs. J. Morgan Smith, vice-president-general of Alabama, was in the chair, and after a motion defeating one of the amendments had been passed. Miss Mary Desha, of Kentucky, claimed the floor on a question of personal privilege. She charged that she had been unable to secure recognition while, inviolation of the usual parliamentary procedure, another member had been permitted to speak twice on the question at issue. She dramatically declared she was one of the founders of the society and as an accredited delegate demanded the courtesy of the floor.

There is good cheer and comfort in a saucer of

table and a motion then to adopt the amendment was overwhelmingly defeated.

Another amendment providing for the election of State regents and vice-regents at meetings held in their respective States and Territories, instead of by the delegates to the congress after they have reached Washington, as is now the custom, was also defeated. This was the amendment in which it was alleged "States" rights' were involved. It was connection with this amendment that Miss Desha turned insurgent.

The delegates were received by President Taft this afternoon.

Tribute to Real Daughters.

The report of the sommittee on real

delegate demanded the courtesy of the floor.

Forced From Floor.

Because I have different opinions—"she began, but her voice was drowned by cries of "Out of order," and she was not allowed to continue.

The amendments were introduced at the last congress of the society and were brought up for action to-day in accordance with the rule that one year shall clapse between the introduction of amendments to the constitution and their consideration by the congress.

The first amendment proposed to lodge in the congress the power to discipline officers, members and chapters of the society. The amendment was tabled by a viva voce yote, but later, when it was found that, according to the constitution, an amendrical could not be table dexcept by a two-thirds vote, it was switched off the table and a motion then to adopt the amendment was overwhelmingly defeated.

Another amendment providing for

MRS. MINERVA R. AMES.

Daughters, was presented to the con-gress by Mrs. William Lawson Peel. As a tribute to the Real Daughters, who, she said, are fast passing away, she requested that the congress accept